

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Pacific Gas and Electric Company (U 39-E), for approval of the 2006 – 2008 Energy Efficiency Programs and Budget.	Application 05-06-004 (Filed June 1, 2005)
Southern California Gas Company (U 904-G) for approval of Natural Gas Energy Efficiency Programs and Budgets for Years 2006 through 2008.	Application 05-06-011 (Filed June 1, 2005)
Southern California Edison Company (U 338-E), for Approval of its 2006 – 2008 Energy Efficiency Program Plans and associated Public Goods Charge (PGC) and Procurement Funding Requests.	Application 05-06-015 (Filed June 2, 2005)
San Diego Gas & Electric Company (U 902-E) for Approval of Electric and Natural Gas Energy Efficiency Programs and Budgets for Years 2006 through 2008.	Application 05-06-016 (Filed June 2, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING
AND NOTICE OF PREHEARING CONFERENCE**

Today's ruling consolidates the above-captioned applications, provides notice of a June 22, 2005 prehearing conference (PHC) and addresses pending motions. The schedule for comments and replies to the applications and other procedural matters are also discussed below. The service list in Rulemaking

(R.) 01-08-028 will serve as the temporary service list in this consolidated proceeding until a permanent one is established at the PHC.

Consolidation of Applications

By Decision (D.) 05-01-055, the Commission directed Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), San Diego Gas & Electric Company (SDG&E) and Southern California Gas Company (collectively, “the utilities”) to file program planning applications for Program Year (PY) 2006-PY 2008 energy efficiency activities for approval by the Commission.¹ In response, the utilities filed the applications captioned above. By this ruling, I am consolidating these applications into a single proceeding. Consolidation of these applications is reasonable because they address similar funding and program planning issues, and addressing them in a single consolidated forum was anticipated by D.05-01-055.

Notice of PHC

By ruling dated May 23, 2005 in R.01-08-028, I put the utilities and interested parties on notice that a PHC will be held at 10:00 a.m., on Wednesday, June 22, 2005 at the Commission’s Hearing Room, 505 Van Ness Avenue, San Francisco, California. Today’s ruling confirms that notice.

The purpose of the PHC will be to address scoping issues, scheduling and other procedural matters, including the need for evidentiary hearings. We will also address the appropriate category of this proceeding, which has been preliminarily established as a ratesetting proceeding. The utilities and interested

¹ See D.05-01-055, pp. 102-103.

parties should be prepared to comment on these matters at the PHC, rather than submit written PHC statements ahead of time.

At my request, Energy Division has notified the utilities and their Peer Review Groups (PRGs) that I intend to establish the schedule for a “Case Management Statement” at the PHC. The purpose of the Case Management Statement will be to (1) summarize the areas/issues in dispute in the proceeding based on the June 1 filings, PRG assessments and opening comments of interested parties; (2) describe issues/areas where resolution has been reached based on further discussions among the utilities, the PRGs and interested parties; and (3) identify the remaining areas of disagreement. The Case Management Statement should highlight any changes that the utilities agree to make in response to the PRG assessments (or in response to parties’ opening testimony) that will have a material effect on program budgets or program/portfolio cost effectiveness. At this juncture, I anticipate that the Case Management Statement will be due by July 15, 2005, concurrent with reply comments (see below). To prepare for this filing, I encourage the utilities, PRG members and interested parties to start discussing issues for potential resolution even prior to the PHC, as time and resources permit.

On June 5, I informed all parties to R.01-08-028 of the process by which we will develop the record on energy savings related to Codes and Standards (C&S) advocacy work.² To reiterate, the utilities will present their best estimates of energy savings associated with C&S advocacy work to be considered towards meeting the 2006-2008 goals in a July 1, 2005 supplement to their applications. All supporting workpapers on estimating methodology and assumptions will be presented in that filing.

² Electronic transmittal: “R.01-08-028 Process and Schedule for C&S Savings Work,” dated June 5, 2005.

Prior to making this supplemental filing, the utilities will hold a public workshop to present their proposed savings estimates and methodology and to obtain input from interested parties, Joint Staff³ and other technical experts, as appropriate. In their July 1 filing the utilities shall summarize the workshop discussion and indicate how they responded to the parties' comments in finalizing their estimates. At the PHC, we will address the schedule for written comments on this supplemental filing, as we address other scheduling and procedural issues.

Pending Motions

SDG&E and SCE have requested leave to file their applications one day late, due to reproduction problems. Each served electronic notices of availability of their applications with website addresses for accessing the documents electronically on June 1, 2005. No parties have been prejudiced by a one day delay in the filing of the hard copies. Therefore, I approve the one-day extension.

PG&E filed a motion requesting an expedited schedule for approval of PG&E's proposed areas for the competitive bid evaluation process. In particular, PG&E requests that I bifurcate the schedule in this proceeding so that a separate Commission decision on PG&E's proposed areas for bid and bid evaluation criteria can be issued by June 30, 2005. Under PG&E's proposed schedule, protests and responses on these issues would be filed by June 16, with replies due on June 22. Protests and response on all other issues related to the proposed

³ Joint staff refers to Energy Division and California Energy Commission staff assigned to this proceeding.

portfolio and budget would be filed by July 1, with replies due on July 11, and a final Commission decision issued on August 15, 2005.

There are many reasons why PG&E's proposed schedule is unworkable, not the least of which is that it ignores the requirement that I issue a draft decision for comment prior to Commission action on a final decision. I also note that there is only one Commission conference in August (on August 25th). Besides providing insufficient time for me to write the draft decisions, PG&E's proposal fails to factor in the time required for internal review of the draft decision, as well as the production time required to produce and distribute the draft decision for public comment. All of these issues need to be considered in order for me to establish a workable schedule for a decision date on the applications. We will discuss these and other scheduling issues further at the PHC.

Schedule for Opening and Reply Comments on the Applications

The schedule set forth in my May 23, 2005 ruling in R.01-08-028 is reproduced below. Until further notice, this is the schedule for all opening and reply comments on the applications/PRG assessments. Reply comments shall be limited to responding to issues raised in the opening comments. They are not to be used as an opportunity to raise new issues concerning the applications and PRG assessments that should have been presented in opening comments.

Because of the tight schedule in this proceeding, I will be very reluctant to grant any extensions of time to file and serve these documents.

June 1, 2005	Utilities file program plans for PY 2006-PY 2008 energy efficiency portfolios. SCE, SDG&E and SoCalGas append the PRG assessments to their applications, per D.05-01-055
June 8, 2005	PG&E files the PRG's assessment as a supplement to its application
June 22, 2005	PHC is held in 505 Van Ness Avenue, Hearing Room, San Francisco, California at 10:00 a.m.
June 30, 2005	Comments filed on applications / PRG assessments
July 15,2005	Replies to comments filed

Service List, Filing Requirements, Electronic Service Protocols

Pending the taking of appearances at the PHC, the service list in R.01-08-028 will serve as the temporary service list in this proceeding. ***A permanent service list will be established at the June 22, 2005 PHC: All those seeking to become parties in this proceeding shall attend the PHC and file an appearance. Those who demonstrate a plan to actively participate in the proceeding will be granted party status. Any others filing appearances will be granted Information Only or other appropriate status.***

All filings required by this ruling shall be filed at the Commission's Docket Office and served pursuant to the Electronic Service Protocols attached to this ruling and consistent with Rules 2.3 and 2.3.1.

IT IS RULED that:

1. Applications (A.) 05-06-004, A.05-06-011, A.05-06-015, and A.05-06-016, are hereby consolidated.
2. As described in this ruling, a PHC will be held at 10:00 a.m., on Wednesday, June 22, 2005 at the Commission's Hearing Room, 505 Van Ness Avenue, San Francisco, California.
3. The requests of SDG&E and SCE to file their applications one day late are approved.
4. PG&E's June 1, 2005 motion for expediting and bifurcating this proceeding is denied.
5. The schedule for opening and reply comments set forth in this ruling is adopted until further notice.
6. Pending the taking of appearances at the PHC, the service list in R.01-08-028 will serve as the temporary service list in this proceeding. A permanent service list will be established at the June 22, 2005 PHC, as described in this ruling.
7. All filings required by this ruling shall be filed at the Commission's Docket Office and served pursuant to the Electronic Service Protocols attached to this ruling and consistent with Rules 2.3 and 2.3.1.

Dated June 8, 2005, at San Francisco, California.

/s/ MEG GOTTSTEIN
Meg Gottstein
Administrative Law Judge

ATTACHMENT

ELECTRONIC SERVICE PROTOCOLS

These electronic service protocols are applicable to all “appearances” and individuals/organizations on the “state service” list that serve comments or other documents in this proceeding.

1. Party Status in Commission Proceedings

In accordance with Commission practice, by entering an appearance at a hearing or by other appropriate means, an interested party or protestant gains “party” status. A party to a Commission proceeding has certain rights that non-parties do not have. For example, a party has the right to participate in evidentiary hearings, file comments on a proposed decision, and appeal a final decision. A party also has the ability to consent to waive or reduce a comment period, and to challenge the assignment of an Administrative Law Judge (ALJ). Non-parties do not have these rights, even though they are included on the service list for the proceeding and receive copies of some or all documents.

Non-parties may participate in this proceeding under either the “state service” or “information only” categories. Commission staff members, divisions or branches, Legislators or their staff members, and state agencies or their staff members may participate as under the state service category. They will be allowed to file comments or other documents on issues in this rulemaking, at the direction of the assigned ALJ(s) or Assigned Commissioner.

Those who request to be categorized as “information only” will receive all Commission-generated notices of hearings, rulings proposed decisions and Commission decisions at no charge. However, individuals on the “information only” list will not receive copies of pleadings or other filings in this proceeding,

and may not comment on the issues in this proceeding, unless they later apply for party status.

2. Service of Documents by Electronic Mail

For the purposes of this proceeding, all individuals in appearance and state service categories shall serve documents by electronic mail, and in turn, shall accept service by electronic mail. In some circumstances, however, electronic mail addresses may not be available. In those circumstances, paper copies shall be served by U.S. mail. ***In addition, paper copies shall be served on the assigned ALJ and Assigned Commissioner.***

3. Notice of Availability

If a document, including attachments, exceeds 75 pages, parties may serve a Notice of Availability in lieu of all or part of the document, in accordance with Rule 2.3(c) of the Commission's Rules of Practice and Procedure. However, paper copies of that document shall be served on the assigned ALJ(s) and Assigned Commissioner.

4. Filing of Documents

These electronic service protocols govern service of documents only, and do not change the rules regarding the tendering of documents for filing. Documents for filing must be tendered in paper form, as described in Rule 2, et. seq., of the Commission's Rules of Practice and Procedure.

5. Electronic Service Standards

As an aid to review of documents served electronically, appearances should follow these procedures:

- Merge into a single electronic file the entire document to be served (e.g., title page, table of contents, text, attachments, service list).
- Attach the document file to an electronic note.
- In the subject line of the note, identify the proceeding number; the party sending the document; and the abbreviated title of the document.
- Within the body of the note, identify the word processing program used to create the document if anything other than Microsoft Word. (Commission experience is that most recipients can readily open documents sent in Microsoft Word 6.0/95.)

If the electronic mail is returned to the sender, or the recipient informs the sender of an inability to open the document, the sender shall immediately arrange for alternative service (regular U.S. mail shall be the default, unless another means—such as overnight delivery—is mutually agreed upon).

Parties should exercise good judgment regarding electronic mail service, and moderate the burden of paper management for recipients. For example, if a particularly complex matrix or cost-effectiveness study with complex tables is an attachment within a document mailed electronically, and it can be reasonably foreseen that most parties will have difficulty printing the matrix or tables, the sender should also serve paper copies by U.S. mail, and indicate that in the electronic note.

6. Obtaining Up-to-Date Electronic Mail Addresses

The current service lists for active proceedings are available on the Commission's web page, www.cpuc.ca.gov. To obtain an up-to-date service list of electronic mail addresses click on the "Service Lists" bar on the web page, scroll to find the proceeding number (e.g., R.01-08-028), and click on "List." To view and copy the electronic addresses for a service list, download the comma-delimited file, and copy the column containing the electronic addresses.

The Commission's Process Office periodically updates service lists to correct errors or to make changes at the request of parties and non-parties on the list. Parties should copy the current service list from the web page (or obtain paper copy from the Process Office) before serving a document.

7. Pagination Discrepancies in Documents Served Electronically

Differences among word-processing software can cause pagination differences between documents served electronically and print outs of the original. (If documents are served electronically in PDF format, these differences do not occur, although PDF files can be especially difficult to print out.) For the purposes of reference and/or citation (e.g., at the Final Oral Argument, if held), parties should use the pagination found in the original document.

(END OF ATTACHMENT)

CERTIFICATE OF SERVICE

I certify that I have this day served the attached Administrative Law Judge's Ruling and Notice of Prehearing Conference on all parties of record in the temporary service list of Rulemaking 01-08-028 or their attorneys of record by electronic mail to those who provided electronic mail addresses, and by U.S. mail to those who did not provide email addresses.

Dated June 8, 2005, at San Francisco, California.

/s/ JANET V. ALVIAR

Janet V. Alviar

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.

